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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,028	12/20/2000	Prasad V. Prabhu	80998DMW	8136

7590

05/24/2005

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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/745,028

Applicant(s)

PRABHU ET AL.

Examiner

Steven P Sax

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The amendment filed 1/24/05 has been entered. Note that claim 10 recites that it is dependent on claim 1, and claims 11-16 recite that they are dependent on claim 2. It is respectfully suggested that applicant intended claim 10 to be dependent on claim 9, and claims 11-16 to be dependent on claim 10.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al (6590608) and Anderson (6862038).

4. Regarding claim 1, Matsumoto et al show a method via a graphical user interface (Figures 6, 7, 8, column 8 lines 9-17 and 23-30) of annotating picture information for pictures in a picture database (column 3 lines 5-15 and 35-55, Figure 11, column 10 lines 50-65), comprising: generating a user friendly display with picture indicia (Figures 6-9, column 10 lines 1-20), in response to on screen user input that identifies a plurality of pictures as belonging to a group (column 11 lines 1-20), accepting metadata input on screen by the user (column 10 lines 50-65, column 12 lines 35-55, characterizing the

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group of pictures (column 11 lines 1-20 and column 12 lines 40-60), and automatically associating the accepted metadata with the pictures of the group (column 12 lines 30-60, column 14 lines 45-65). Matsumoto et al do not specifically go into the details of the single information entry area accepting and containing inputted metadata information about the group, but do mention efficient user inputting of image information data to a display. Furthermore, this is done in Anderson (see in Anderson: a single entry area accepting and containing inputted image information Figures 1, 3B, column 4 lines 15-25 and 40-50). This is done for efficient user inputting of image information data to a display. It would have been obvious to a person with ordinary skill in the art to have this in Matsumoto et al, because it would allow efficient user inputting of image information data to a display.

5. Regarding claim 2, the metadata includes social information (Matsumoto et al column 2 lines 50-62, column 3 lines 40-47).

6. Regarding claim 3, the social information includes an event that the group of pictures records (Matsumoto et al column 3 lines 40-47, column 5 lines 45-55).

7. Regarding claim 4, the social information includes temporal aspects of the group of pictures with respect to capture (Matsumoto et al column 2 lines 25-32).

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8. Regarding claim 5, the social information includes capture location aspects of the group of pictures (Matsumoto et al column 2 lines 42-50, column 17 lines 8-20).

9. Regarding claim 6, the social information includes people recorded in the group of pictures (Matsumoto et al column 2 lines 50-62, column 14 lines 20-45).

10. Regarding claim 7, the social information includes objects recorded in the group of pictures (Matsumoto et al column 14 lines 20-45, column 17 lines 5-25).

11. Regarding claim 8, the social information includes user provided comments (Matsumoto et al column 3 lines 20-40 and 50-65).

12. Regarding claim 9, in addition to that mentioned for claim 1, note that the on screen user input defines the group of pictures (Matsumoto et al column 11 lines 1-15).

13. Claims 10-16 recite the same features as claims 2-8 respectively and are rejected for the same reasons.

14. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

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15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Note that even in claim 1, the modification that the on screen user input "that identifies" the plurality of pictures as belonging to a group, changes the interpretation of the claims, especially as pointed out in applicant's remarks. The original recitation was interpreted as in response to user input, the *computer* identifying the group of pictures (i.e. the computer responding to a search request). With the present recitation, the claims are interpreted as the *user* identifying the group (i.e. via the user input itself doing the grouping as opposed to accessing an already grouped set). Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is (571) 272-


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4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ALEXANDER  
PATENT EXAMINER